



**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BOBBY JEHU STROUP,

Plaintiff,

v.

T. BISHOP, *et al.*,

Defendants.

3:07-CV-99-BES-VPC

**ORDER**

Before the Court is defendants' Motion For Summary Judgment (#60). This action was referred to U.S. Magistrate Judge Valerie P. Cooke pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4. The Magistrate Judge submitted her Report and Recommendation (#64) on November 14, 2008, recommending that this Court enter an order granting defendants' Motion for Summary Judgment. Plaintiff filed his Objections to Magistrate Judge's Report and Recommendation (Doc #65) on December 11, 2008 and defendants filed a Response to Plaintiff's Objection to Magistrate Judge's Report and Recommendation (#66) on December 26, 2008.

**I. ANALYSIS**

**A. Review of Magistrate Judge's Order**

Any party may object to a magistrate judge's case dispositive proposed order, findings, or recommendations. 28 U.S.C. § 636(b)(1)(B); Fed.R.Civ.P. 72(b); LR 74.2. The district court must make a *de novo* determination of those portions of the magistrate judge's report to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. *Id.* De novo review means the court must

1 consider the matter anew, the same as if it had not been heard before and as if no decision  
2 previously had been rendered. Ness v. Commissioner, 954 F.2d 1495, 1497 (9th Cir. 1992).  
3 Thus, although the district court need not hold a de novo hearing, the court's obligation is to  
4 arrive at its own independent conclusion about those portions of the magistrate judge's  
5 findings or recommendation to which objections are made. United States v. Remsing, 874  
6 F.2d 614, 617 (9th Cir. 1989).

7 After conducting a *de novo* review of the portions of the record objected to by plaintiff,  
8 the Court accepts in whole the Magistrate Judge's recommendations and findings (#64).

9 **III. CONCLUSION**

10 IT IS HEREBY ORDERED that defendants' Motion for Summary Judgment (#60) is  
11 GRANTED.

12 IT IS FURTHER ORDERED that plaintiff's Objections to Magistrate Judge's Report and  
13 Recommendation (#65) is DENIED. The Clerk of the Court shall enter judgment accordingly.  
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15 IT IS SO ORDERED.

16 DATED: This 6<sup>TH</sup> day of January, 2009.

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22 UNITED STATES DISTRICT JUDGE  
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